

# Shetland Council submission of 12 December 2022

## PE1941/L: Stop the destruction of headstones within community cemeteries

Further to your request that we respond to PE1941: Stop the destruction of headstones within community cemeteries, in response to the particular matters raised we would note that actions taken by Shetland Islands Council when undertaking their statutory duty of ensuring Health & Safety within our cemeteries are:

### Shetland Islands Council Burial Ground Memorials are not laid flat when they fail their safety test

Shetland Islands Council do not lay a memorial flat if it fails its safety test, unless the memorial has cracked and there is no other way of making the memorial safe in an upright position. However, such an occurrence is extremely rare.

Those memorials which fail their safety test are prioritised and if they are deemed to be at high risk of toppling, remedial “make safe” repairs, largely consisting of wooden bracing, is installed to stabilise the memorial and a safety notice is applied to the bracing.

In November 2021, following a review of a report on the matter, elected members of Shetland Islands Council instructed officers to carry out memorial repairs where: a) two years had passed since remedial make safe repairs were made and (b) where no representative came forward to arrange a repair. Members did not authorise the option of laying memorials flat or leaving remedial safety measures in place.

### Communicating with lair holders regarding memorials

We share similar challenges to other burial authorities regarding a lack of up-to-date lair holder records, particularly historical records over 20 years old. Initially researching lair records to determine if the lair holder has been kept up-to-date would require extensive administration and even if the lair record has a lair holder recorded, historical records may not have addresses recorded or the original lair holder may have passed

away and the lair holding has not been transferred to an up-to-date lair holder.

Attempting to individually contact lair holders, especially from historical records, is unlikely to bring significant results which offset the resources required to conduct such searches in the first instance. Given that cost recovery of historical debts is problematic, we adopted a more proactive policy that maintains both the perceived sanctity and the visual amenity of our burial grounds while minimising administrative and management overhead costs.

Consequently, in January 2020 we informed lair holders or their representatives of their memorial maintenance responsibilities by issuing a press release. This included *'responsibility for the maintenance of memorials lies with the lair holder or their representatives. If you see a green safety notice next to your memorial, you should contact a stonemason who has been approved by the Council to complete repairs – you can find details of those online at <https://www.shetland.gov.uk/burial-services/> as well as a Memorial Permit Application form which will need to be completed. You can contact Burial Services on 01595 744853 or 744898, or email [burials@shetland.gov.uk](mailto:burials@shetland.gov.uk)'*.

We also issued another press release in May 2021 and published a public notice in the local newspaper in June 2021 to the same effect. We also have memorial inspections frequently asked questions (FAQ) on our website <https://www.shetland.gov.uk/births-marriages-deaths/burial-services/4>

### Future inspections

A rolling programme of inspections is scheduled for 2023. A press release will be issued to make lair holders or their representatives aware that the memorial inspection is underway and that once a burial ground has been inspected the burial ground will be added to the inspection programme data on our website, allowing lair holders or their representatives to know when to visit a burial ground to check to see if their memorial has failed the inspection or has a safety notice applied.

Lair holders or their representatives who find a safety notice placed near their memorial should then contact a council-approved memorial stonemason to arrange a memorial repair or contact Shetland Islands Council Burial Services if they cannot afford to pay for a memorial repair.